

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes June 28, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 28, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Noecker, Perrus, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Ochs, Oliver, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Merrigan, *Porter, and Messrs. *Connolly, *Nelson, and *Schertler.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Kate Reilly, Josh Williams, Scott Tempel, Dean Porter, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes June 14, 2013.

MOTION: *Commissioner Reveal moved approval of the minutes of June 14, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that the Zoning Committee meeting on Tuesday, July 2, 2013 has been cancelled and since the Planning Commission has no items of business the July 12th meeting is cancelled as well.

III. Planning Director's Announcements

Donna Drummond reported that at City Council on Wednesday, the West Grand Zoning Study was approved for adoption on a vote of 7-0, and there were no changes from what the Planning Commission had recommended. Councilmember Stark thought that it was a good compromise and they thought it was good work.

Also Nick Khaliq has been appointed as the interim Councilmember for Ward 1 to replace Melvin Carter and Noel Nix will continue as the Legislative Aide.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Three items to come before the Site Plan Review Committee on Tuesday, July 2, 2013:

- Midway Corners, site work for renovation/reuse of old Midway Chevrolet building at 1389 University Avenue.
- HealthPartners Phalen Clinic, enlarge existing parking lot at 401 Phalen Boulevard.
- Flat Earth Brewing Company (preliminary review), reuse of existing building for a brewery and associated site improvements at 688 East Minnehaha Avenue (old Hamm's Brewery property).

NEW BUSINESS

#13-187-934 Daniel Stoltz – Establishment of nonconforming use as a 4-plex. 870 Albert Street North, SE corner at Taylor. (*Josh Williams, 651/266-6659*)

Commissioner Perrus said that the committee discussion noted several of the required findings not being met. She asked if the resolution should be more specific about this or if the record of their discussion and rationale for denial is clear enough.

Allan Torstenson, PED staff, said he asked about that after the meeting and the response was that the findings are clear enough.

Commissioner Perrus said the language in the findings doesn't need to be changed, but it needs to be clear to the Commission that specific committee discussion of the findings reflected a strong basis for denial.

Chair Wencil said that findings 3, 5 and 7 are pretty definitive as far as not meeting the criteria.

Commissioner Perrus noted finding 3 language that the parking requirement is not met. There are not enough parking spaces and they could not be reconfigured to meet the requirement.

Commissioner Oliver said the requirement is to get the reason for denial in the record. If the reasons for the Zoning Committee's consensus for denial are stated in the record the draft resolution does not need to be amended.

Commissioner Reveal said that at the hearing the City Attorney iterated the basis for denial very clearly and they agreed with him.

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to deny the establishment of nonconforming use. The motion carried unanimously on a voice vote.*

Commissioner Perrus announced that the next Zoning Committee meeting on Tuesday, July 2, 2013, has been cancelled.

V. Comprehensive Planning Committee

Fish and Fowl Zoning Study – Approve resolution initiating the study.
(Scott Tempel, 651/266-6621)

Scott Tempel, PED staff said that the resolution is to initiate a study to look at the slaughter and processing of chickens and fish. This comes about for a couple of reasons, the Urban Agriculture study that is going forward is recommending approving fish farming, but it is silent on how those fish can be processed. Two proposals have come forward for potential aquaculture operations in the city. Also, a chicken processing plant has been proposed at the Hmongtown Market. Whether or not this use is allowed in the current ordinance needs to be clarified. Department of Safety and Inspections (DSI) would like to have some better standards on slaughter processing including what types of thresholds should exist and what type of permitting is necessary to be in line with state and federal standards. The Hmongtown Market proposal is very sound, filling a unique niche with strong business plan. Staff feels comfortable with their proposal but they want to make sure the community is not negatively impacted. So they'll be taking a closer look at the smaller animals.

Commissioner Perrus said that they should be very careful about where and how they allow these things to happen. She assumes they are not going to allow people in their homes or the people who are allowed to have chickens in their yard to do their own processing, because that would probably violate federal standards anyway.

Chair Wencil replied that they can do that right now. Commissioner Perrus said no, not to sell them. Chair Wencil agreed no not to sell them.

Commissioner Ochs asked if consideration is going to be given on defining small animals and type of fowl.

Mr. Tempel said that they will definitely look at that, what they want to avoid is creating amendment after amendment dealing with chicken, fish, rabbits, goats, etc.

Commissioner Ochs said also consider small game, something that might be included in that some of the restaurants might have pheasants, partridge or quail on the menu that could be processed locally that might be an added bonus.

Mr. Tempel said custom processing of wild game is already allowed in the city. It is the slaughter of animals that is the key to the zoning study.

Commissioner Ochs asked if consideration has been given to codes in other cities, like San Francisco or Boston.

Mr. Tempel yes certainly that's what we're doing on the study.

Chair Wencil said that they do need to look at South Saint Paul, because that was a hub for animal slaughtering. They spent a lot of time on their City Council and Commission trying to make sure the regulations were what they needed and so forth. And it is very different now from what it was before, and she thinks that it would be a good idea to include that part in the study.

Mr. Tempel clarified that the City currently outlaws meat packing plants and slaughter houses for large animals and that is not going to change; this is specifically looking at small animals.

MOTION: *Commissioner Reveal moved the Comprehensive Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Auto Body Text Amendments – Approve resolution recommending adoption of text amendments to the Mayor and City Council. (Kate Reilly, 651/266-6618)

Commissioner Reveal said that the committee had very lengthy discussions, and this was a much more complicated problem than they originally understood. Commissioner Reveal stated that the issue would be divided into two things. First is the generic issue of how auto body shops are defined in the code and where they are and are not permitted and what changes the committee is recommending. Secondly, the group wants to look at the unique case of an auto body shop vender who was caught in a zoning “time warp.” When ABRA was allowed as an accessory use to a car dealership (Midway Chevrolet), it was not grandfathered in when the Central Corridor rezoning study was completed, because it was an accessory use and is not now allowed in T4.

Kate Reilly, PED staff gave a presentation going over the history, staff recommendation, and the committee recommendation for the auto body shop text amendments. She stated that the Central Corridor Zoning Study rezoned ABRA Auto Body and Glass to T4, in which auto body shops are not permitted. ABRA has been operating under an interim use permit that expires when there is a change to the zoning code, a redevelopment, or when the property is sold. The interim use permit was renewed in December 2012. Around that same time City Council directed staff to study Sec. 65.701 Auto body shop to clarify language and recommend zoning districts appropriate for the use. The staff recommendation includes amendments to the definition and standards for auto body shops, as well as a recommendation for zoning districts for auto body uses. The recommendation for the definition is to remove general auto repair, engine rebuilding, and rebuilding or reconditioning of motor vehicles - which is also included in the definition of auto repair station - from the auto body shop definition to avoid confusion. The draft amendments also add standards and conditions intended to ensure that auto body shops would be compatible with nearby residential uses and with other commercial uses. There was a recommendation to permit, as a conditional use, auto body shop in T4 and B3 districts. These are needed services that are useful to have conveniently available. Subject to appropriate standards and conditions, auto body shops can be compatible as a conditional use in these districts.

The Comprehensive Planning Committee had a discussion on the definition and standards and while the definition remains as recommended by staff, standards related to lot size and closed bay doors were removed. Regarding zoning districts, the committee recommended that they permit, as a conditional use, auto body shops in B3 and B5 zoning districts, and recommended to not permit auto body shops in T4 zoning districts. Auto body shops are not compatible with the high-density, transit-supportive, pedestrian-friendly, mixed-use development envisioned for the T4 districts. A map of all the auto body shop locations was shown; there are 46 licensed auto body shops in the city and of those 32 are in industrial districts and the remaining 14 are in other districts.

Commissioner Reveal noted that the committee had a good deal of discussion back and forth on T4 with the pros of not allowing it in T4 being the integrity of the future vision for T4. The con

of not allowing it there is if the site were rezoned to B3 and there was a mixed use development with an auto body shop proposed, they would lose the ability to impose the design and density standards that are in T4. The committee ended up agreeing that they would prefer to have it in B3 and deal with the development as a conditional use on a case-by-case base in B3, rather than undermine the integrity of T4.

Ms. Reilly then presented options for the ABRA Auto Body and Glass establishment. ABRA could continue to operate in T4 under the conditions of the interim use permit (IUP) approved by City Council in December 2012, which states that the IUP shall expire when the property is redeveloped with a new use, or when ownership of the use is transferred, or when the zoning code is amended to make auto body shop a conditional use at this location. Although the IUP permits ABRA in the short term, the terms of the IUP clearly prohibits any redevelopment of the site for mixed use which would include ABRA. ABRA, after having existed as a nonconforming use under the IUP for 10 years (Midway Chevrolet closed and moved to a suburban location in May 2007), will be eligible to apply for a nonconforming use permit in 2017 pursuant to Leg. Code 62.109(a). This includes a petition requirement. A nonconforming use permit could provide for redevelopment of the site for mixed use including ABRA. If the Zoning Code is amended to make auto body shops a conditional use in B3, the Planning Commission has the option to rezone 1190 University Avenue to B3. Minnesota courts have ruled that the term "spot zoning" applies to a zoning change of a small plot of land that both creates an island of nonconforming use within a larger zoned district *and* is inconsistent with surrounding uses. Given that B3 zoning of 1190 University would not be inconsistent with surrounding uses, the City Attorney's Office is of the opinion that rezoning the parcel to B3 would not be spot zoning. However, B3 allows for less redevelopment potential than T4.

Commissioner Perrus said that there were concerns raised from existing auto body shop owners about dealing with closed doors and having everything in an enclosed building, is all that still in here? It looks like the enclosed building is but is that still the same in the resolution?

Ms. Reilly replied that repair work must still be done in an enclosed building, but the doors do not need to be closed.

Commissioner Edgerton asked if, in terms of ABRA's operation, they are able to keep going as they are under the IUP.

Commissioner Reveal said that clearly it precludes their redevelopment of that parcel.

Commissioner Edgerton said, when you say redevelop does that mean make improvements, add-on what all does that entail?

Commissioner Reveal said that it might be an entirely new development on part of the property. That's one of the issues, whether or not that parcel could be divided such that B3 is the location the auto body shop, but the other portion could stay T4. And that is a possibility that they could petition for.

Commissioner Spaulding had a question about making sure our planning along Central Corridor that's in the comprehensive plan is pretty tailored to the idea that traditional neighborhood zoning would be dominant there and he wants to make sure that there's nothing in the comprehensive

plan that they can think of or know of that would in any way inhibit B3 from being utilized in this location.

Donna Drummond, Planning Director, said that question isn't before the Commission today, but it may be before it in the future if there's an application to rezone to B3. She can't say what the staff recommendation would be, but under B3 there are certain uses that are permitted that would not be consistent with the plans for the area that have been developed for Central Corridor. However that is for a future discussion about what ABRA should do to resolve its situation.

MOTION: *Commissioner Reveal moved to approve the resolution recommending that the text amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

Commissioner Reveal announced that the next Comprehensive Planning Committee meeting is on Tuesday, July 9, 2013.

VI. **Saint Paul Market Watch Report** – Informational presentation by Dean Porter, PED.
(Dean Porter, 651/266-6562)

Donna Drummond, Planning Director, said that Dean Porter is one of the planning interns in PED from the Humphrey School of Public Affairs. He started at the end of January and will be with us through the next upcoming school year, and he has been doing a lot of work on research issues. Dean has worked on the Market Watch report, which tracks indicators on how the city is doing in terms of jobs, building, and construction. Mr. Porter just finished the second edition of this report, which will be done every six months.

Dean Porter gave an informational presentation about the Saint Paul Market Watch report, which examines housing, economic development, and demographic trends in the city. His presentation is a summary of the full report, which is available on the City's website and has more data, charts, and figures. Highlights of the report include remodeling and new construction activity, fewer foreclosures over the past year, and an unemployment rate which declined to 6.2%. In addition the report demonstrates the racial, ethnic, and linguistic diversity of Saint Paul residents.

Commissioner Shively said that this is great information and she would like to know how they're going to be using it as they move forward.

Donna Drummond, Planning Director, said she assumes that a variety of people will be using this in different ways, such as people in the development industry, and people who are just wondering how the city's doing in general, in terms of jobs, development and so forth.

Commissioner Lindeke is curious about the age cohort statistics, asking if that is something that is changing as opposed to five or ten years ago.

Mr. Porter said that he has not been tracking data on that, but it could be something that might be interesting for the City to track in the future.

Commissioner Thao said that these are great statistics and at some point are we going to cross reference to see who actually is benefiting from these new developments happening around the city? We are still at a 25% poverty rate for a lot of our residents. She is wondering about

industrial jobs and wages and whether there will be opportunities for living wages, especially around transit corridors. Is there discussion about including those metrics in the future to see which communities are benefiting from the types of development that are happening?

Commissioner Noecker asked about animating the data, since it's going to be online and would make it easier to read for general audiences.

Mr. Porter replied yes, these are good ideas and we will certainly look into that.

Commissioner Edgerton said that it would be good to track where is the city investing and the impact on the property tax base, in particular by land use. It would also be helpful to track by neighborhood or corridors. Part of the challenge is to dig down to what is the useful information, what are the questions we want to have answered, then looking through the data to find that.

Commissioner Lindeke said that maybe some of this data can be disaggregated by ward instead of looking at citywide totals. There are significant differences between different parts of the city.

Mr. Porter said in terms of looking at jobs by ward, there is data available from the US Census Bureau but it is not as up to date as the DEED data from the State of Minnesota. Thus, we wouldn't be able to do the same sort of regular update on ward based data but we could consider including some maps or statistics by ward with the census data in the next report – although it would be less up to date.

Kate Reilly, PED staff addressed how they are using some of this data in terms of City investments. Dean Porter's latest project is looking at the City's investments in the ISP/NSP areas and how that spins off in terms of residential development and investments in surrounding houses. She has also talked to Jennifer Jordan of the Housing Division about using the data for strategic investment.

Commissioner Ward asked if there was a way to take all of the analysis, census data, and the information from the wards and apply that to different demographics within each ward and then look at investment in business, neighborhoods, ISP/NSP and see how it breaks down within those areas. Whether those are areas of poverty that are getting some type of benefit in return in business investment in the neighborhood and how it relates to improvement in property values versus tax base recovery and then back to jobs.

Ms. Reilly said that there are some difficulties with approaching the data; you can't get down to a single person and their job as it is very hard to drill down to that level. And Dean's research that he is working on now is at a district council level so that is at least a smaller level and they can see by district council the spin off effects. Where those dollars going, and how many times do they come back into the city and leave again. That is something she is not sure if they have the capacity to do in house, but she thinks it's fascinating and maybe someday we can get there.

Commissioner Ward said looking at all the money that has been spent along the Central Corridor, how does that affect the overall shape of the city and are there certain corridors in the city that disproportionately have not had investment. It would behoove the City to figure out where that money's going and put it into those areas in order to make equal investment in communities that are lacking.

Ms. Drummond said that this kind of data and analysis was done to initially identify the ISP/NSP investment areas.

Commissioner Ochs asked how are industry jobs relating to the national trend, more specifically if we are able to forecast what kind of occupations are going to be in demand are we trying to match that, are we trying to attract those occupations within our city?

Mr. Porter said there is software that the City has called Community Analyst and that allows us to look at individual areas of the city and see where there is an economic gap in those areas and what businesses are not there that are not meeting demand.

Commissioner Edgerton said looking at the age cohorts, he suggested thinking about the break down demographically and economically of those 20-29. It is important to track this age group because these are the people that are going to become the dominant people in the city. It would provide a better idea of where the city is going over time. So we should think about those people and how can we keep and attract more of them to stay in the city, and having more information about them would be helpful.

Mr. Porter asked if Commissioner Edgerton was suggesting a more detailed profile of that 20-29 age group.

Commissioner Edgerton replied yes, but not just that age group. In general a more detailed analysis by age cohorts would provide a better picture of how the city will be changing in the future.

VII. Neighborhood Planning Committee

Commissioner Thao announced that there was no update.

VIII. Transportation Committee

Commissioner Spaulding announced that the Transportation Committee will not be meeting on Monday, July 1st, but they will be meeting in two weeks on Monday, July 15, 2013.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

No reports.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:55 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
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Respectfully submitted,



Donna Drummond
Planning Director

Approved August 9, 2013

(Date)



Daniel Ward II
Secretary of the Planning Commission